IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, Respondent, v. TRENTON R. COWLES, Appellant.	)	DIVISION ONE No. 61411-8-I UNPUBLISHED OPINION FILED: June 8, 2009

Dwyer, A.C.J. — A person is guilty of bail jumping when he fails to appear for a scheduled court hearing, having knowledge that he is required to do so. RCW 9A.76.170(1). Because the State introduced circumstantial evidence logically showing that Trenton Cowles knew of and failed to appear for a scheduled court hearing, a rational trier of fact could have found Cowles guilty of bail jumping. Accordingly, we affirm Cowles' conviction.

I

In August 2007, Trenton Cowles was charged with residential burglary and taking a motor vehicle without permission in the second degree, in violation of RCW 9A.52.025(1) and RCW 9A.56.075, respectively. After Cowles failed to appear at a court hearing scheduled for November 2, the State amended the charging information to include one count of bail jumping, in violation of RCW 9A.76.170(3)(c).

At trial, the State introduced into evidence four certified copies of court

documents pertaining to the bail jumping charge. The first document was the order scheduling Cowles' pretrial hearing date for October 18. It included a notice about criminal liability for failure to appear and specified that "[t]he defendant shall have no contact with Hazel Ave.," on which the alleged victim's residence was located. The second document was an order continuing Cowles' pretrial hearing from October 18 to November 2. Both scheduling orders bore similar signatures for "Trenton Cowles." The third document was the clerk's minutes from November 2 reflecting that Cowles failed to appear for his scheduled hearing. The fourth document was the bench warrant for Cowles' arrest indicating that Cowles had been charged with residential burglary and taking a motor vehicle without permission. All four documents contained the same case number.

Three witnesses identified Cowles in open court as the individual involved in the incidents giving rise to the underlying criminal charges. They also testified as to the location of the victim's residence wherein the incidents occurred. See Report of Proceedings (RP) (Jan. 14, 2008) at 20 (testimony of Patrick Floyd); RP (Jan. 14, 2008) at 31, 32–34 (testimony of David McCoy); RP (Jan. 14, 2008) at 49 (testimony of Ron Dodds). After the State rested its case-in-chief, it moved to re-open in order to introduce into evidence the original charging information, but the trial court denied the State's motion.

The jury convicted Cowles of taking a motor vehicle without permission

and bail jumping. It acquitted him of the residential burglary charge. The trial court subsequently denied Cowles' "motion to arrest judgment." In so doing, it observed that the bench warrant, which contained the same case number as the other certified court documents, identified the underlying charges against Cowles and that multiple witnesses had positively identified Cowles in court.

II

Cowles contends that there was insufficient evidence introduced at trial for a rational trier of fact to convict him of bail jumping. We disagree.

Evidence is sufficient to support a conviction if, when viewed in the light most favorable to the State, any rational trier of fact could have found the essential elements of the charged crime beyond a reasonable doubt. State v. Hosier, 157 Wn.2d 1, 8, 133 P.3d 936 (2006). We must draw all reasonable inferences from the evidence in favor of the State and interpret them most strongly against the defendant. Hosier, 157 Wn.2d at 8. "A claim of insufficiency admits the truth of the State's evidence" and all reasonable inferences therefrom. State v. Salinas, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992). We will reverse a conviction for insufficient evidence only when no rational trier of fact could have found that the State proved all of the elements of the crime beyond a reasonable doubt. State v. Smith, 155 Wn.2d 496, 501, 120 P.3d 559 (2005). In evaluating the sufficiency of the evidence, circumstantial evidence is as probative as direct evidence. State v. Goodman, 150 Wn.2d 774,

781, 83 P.3d 410 (2004).

RCW 9A.76.170(1) provides that "[a]ny person having been released by court order or admitted to bail with knowledge of the requirement of a subsequent personal appearance before any court of this state . . . who fails to appear . . . as required is guilty of bail jumping." "[T]he State 'must prove beyond a reasonable doubt that [the defendant] knew, or was aware that he was required to appear at the [scheduled] hearing.'" State v. Ball, 97 Wn. App. 534, 536, 987 P.2d 632 (1999) (alterations in original) (quoting State v. Bryant, 89 Wn. App. 857, 870, 950 P.2d 1004 (1998)). In order to prove knowledge, the State must prove that the defendant was notified of the required court date before he failed to appear. State v. Fredrick, 123 Wn. App. 347, 353, 97 P.3d 47 (2004).

Relying on State v. Huber, 129 Wn. App. 499, 119 P.3d 388 (2005), Cowles contends that the evidence introduced at trial is insufficient to support a finding that he was the individual named in the State's exhibits pertaining to the bail jumping charge. In that case, the State prosecuted Huber for bail jumping in proceedings that were severed from the underlying criminal charges. The State submitted into evidence certified court documents similar to the exhibits introduced here. It did not, however, "call any witnesses or otherwise attempt to show that the exhibits related to the same Wayne Huber who was then before the court." Huber, 129 Wn. App. at 501. The only reference to Huber was

defense counsel's identification of his client during voir dire. Huber, 129 Wn. App. at 503–04. The court in Huber held that the State had failed to meet its burden as defense counsel's remarks "had no logical tendency to show that the person whom counsel was introducing was the person named in the documents." 129 Wn. App. at 504.

The evidence introduced herein does not suffer from the same deficiency as the evidence introduced in Huber. In the record before us, the court documents bearing the same case number barred Trenton Cowles from having contact with a particular street and indicated that he had been charged with residential burglary and taking a motor vehicle without permission. These documents also indicated that Cowles had knowledge of the November 2 hearing and that he failed to appear. Three witnesses positively identified Cowles in open court and testified that he was involved in incidents at the victim's residence giving rise to the underlying criminal charges. The victim's residence was located on the same street specified in the no contact provision, and the underlying criminal charges about which the witnesses testified were the same as those listed on the bench warrant. Although the State might have been able to establish Cowles' guilt on the bail jumping charge more directly had it timely moved to introduce the original charging information into evidence, the documents and witness testimony, when considered in concert, had a logical tendency to show that the Trenton R. Cowles named in the court documents was

the same individual who was on trial. When the evidence in support of the bail jumping count is viewed in the light most favorable to the State, as it must be, a rational trier of fact could have found beyond a reasonable doubt that Cowles was guilty.

Accordingly, we affirm.

Dwyer, A.C.J.

We concur:

Lau, J.

Cox, J.